

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1813/2001

New Delhi, this 7th day of February, 2002

Hon'ble Shri M.P.Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Baldev Kumar Ghandi
Working as Senior Clerk/Stores
DRM Office, Firozpur .. Applicant

(By Shri Yogesh Sharma, Advocate)

versus

Union of India, through

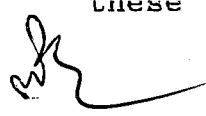
1. General Manager
Northern Railway, Baroda House,
New Delhi.
2. Divisional Railway Manager
Northern Railway, Firozpur Dn.
Firozpur
3. Sr. Dy. Controller of Stores
Northern Railway, Firozpur
4. Dy. Controller Stores
Northern Railway, Shakapur Basti
New Delhi
5. Bhagat Singh
Working as DSKP Gr.III
Northern Railway, Firozpur .. Respondents

(By Shri R.L. Dhawan, Advocate for R-1 to R-4)
By Shri B.S. Mainee, Advocate for R-5)

ORDER

By Shri M.P. Singh, Member(A)

Applicant in this OA has challenged the order dated 7.4.2000 passed by R-3 whereby Shri Bhagat Singh (R-5) has been transferred from Delhi Division to Firozpur Division. The applicant is presently working as Senior Clerk in Store Branch of Firozpur Division since 29.9.1999. In pursuance of a decision taken on 10.5.1997 by the Headquarters Office (HO, for short) a separate cadre of Stores was made in Firozpur Dn. with the creation of 10 posts for Store Department. Out of these posts, there is only one vacancy of DSKP Gr.III



which is earmarked for promotion quota as per channel of promotion provided by HO vide letter dated 10.3.2000. It is stated by the applicant that he was the senior most Senior Clerk in the cadre of Stores and was entitled for promotion as DSKP-III. He submitted a representation on 27.1.2000 for his promotion to the post of DSKP-III and made further representation on 4.4.2000. According to the applicant, one Shri Bhagat Singh (R-5) who was working at New Delhi Division as DSKP-III made a request for his transfer from Delhi Dn. to Firozpur Dn. and respondents without considering the rules accepted the request of R-5 and transferred him to Firozpur Dn. on the same promotion post (DSKP-III) for which the applicant is entitled to be promoted. Aggrieved by the action of the respondents in not considering the applicant for promotion as DSKP-III, he has filed this OA seeking directions to quash and set aside the order dated 7.4.2000 and to consider his promotion for the said post.

2. Respondents in their reply have stated that the Deputy Controller of Stores (DCoS, for short), Firozpur has already conveyed to the DCoS, Shakurbasti, Delhi vide letter dated 6.7.2001 stating that since the matter for fixation of lien of clerical staff of Stores Department of Firozpur Dn. is still pending with HO, fixation of lien of R-5 in Firozpur Dn. may be treated as cancelled. Apart from this, the other issues as to whether the lien of clerical staff in Stores Department of Firozpur Dn. is to be clubbed with DCoS, Shakurbasti, JUD Workshop etc. or to be treated as separate seniority unit or otherwise are still to be decided by HO. As per current status on the issue,

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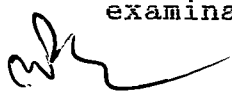
cadre of DSKP is to be treated as still controlled by DCoS, Shakurbasti, Delhi. Therefore, the case of promotion of applicant for the post of DSKP-III in the absence of necessary guidelines/decision from HO cannot be considered. The lien of the applicant can only be considered in his parent department from which he has been inducted, though this also has not yet been decided by HO. In view of the submissions made herein above, the application be dismissed.

3. Respondent No.5 has also filed his reply on the above lines.

4. Heard both the learned counsel for the rival contesting parties and perused the records.

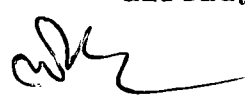
5. During the course of the arguments, the learned counsel for the applicant submitted that one post of DSKP-III in the scale of pay of Rs.5000-8000 was created on 24.1.2000 (Annexure A/6). As per the R/Rules for the post of DSKP-III, 66.6% are to be filled by promotion from Senior Clerks and 33.3% are to be filled by direct recruitment (Annexure A/5). Since there is only one post in Firozpur Dn. the same should be filled up by way of promotion. The applicant was the senior most Senior Clerk in Firozpur Dn. and therefore he should have been considered for promotion to the said post after the same was created in January, 2000.

6. On the other hand, learned counsel for the respondents stated that the issue relating to divisionalisation of Stores Department was under examination of HO and it was only on 18.1.2002 that it



has been decided by the competent authority that the lien of stores staff working with Firozpur Dn. be fixed with Stores Depot JUD except tailor whose lien be fixed with Stores Depot SSB. He also drew our attention to the letter dated 29.1.2002 issued by the Sr. Divisional Personnel Officer, Northern Railway, Firozpur whereby the stores staff were asked to give option to maintain their lien.

7. It is an admitted fact that the applicant was promoted to the post of Sr. Clerk in the pay scale of Rs.4500-7000 on 29.9.1999. The post of DSKP-III for which he claims promotion is in the pay scale of Rs.5000-8000. Since the applicant was promoted to the post of Sr. Clerk only on 29.9.1999, he did not put in the requisite years of service so as to become eligible for promotion to the next higher grade of DSKP Gr.III (Rs.5000-8000) in January, 2000. In any case, applicant ² could not have been appointed to the post of DSKP-III without participating in the selection process. Moreover, the issues relating to the fixation of lien of Clerical staff with Sakurbasti or Jagadhari were under consideration of HO and it was only on 18.1.2002 that a decision was taken to club the staff of both the Divisions of Jagadhari and Firozpur for the purpose of fixation of their lien. On the other hand, R-5 was already working as DSKP-III in Delhi Dn. and has been



transferred at his own request to Firozpur Dn. in the same capacity. Thus, applicant, who is working in the lower post, should have no grievance in the transfer of R-5 and on this ground also he has no case.

8. For the reasons discussed above, the OA is devoid of merit and is accordingly dismissed. No costs.

S. Raju

(Shanker Raju)
Member(J)

M.P. Singh

(M.P. Singh)
Member(A)

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